

SENATE SUMMARY OF HOUSE AMENDMENTS

SB 183 By Senator N. Gautreaux**KEYWORD AND SUMMARY AS RETURNED TO THE SENATE**

ENERGY DEVELOPMENT. Authorizes the State Mineral and Energy Board to lease state lands for the development or production of alternative energy resources. (8/15/10)

SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL

1. Requires the State Mineral and Energy Board to develop rules and regulations, in consultation with the DOTD, in accordance with the APA.
2. Provides certain requirements on leases affecting ports; harbor and terminal districts; or port, harbor, and terminal districts.
3. Removes the definition of "alternative energy sources".
4. Technical amendments.

DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE

Present law authorizes the State Mineral and Energy Board ("board") to lease for the development and production of minerals, oil, and gas, any lands belonging to the state, or the title to which is in the public, including road beds, water bottoms, vacant state lands, and lands adjudicated to the state at tax sale.

Present law authorizes the board to collect a fee for leasing in the amount of 10% of the total cash bonus paid at the lease sale, in addition to the total cash bonus paid.

Proposed law retains present law and authorizes the board to lease for the development and production of "alternative energy sources".

Proposed law authorizes the board, in consultation with the Dept. of Transportation and Development, to adopt rules and regulations in accordance with the APA.

Proposed law provides that no lease shall be granted for hydrokinetic energy development that is inconsistent with the terms of a permit, license, exemption, or other authorization issued by the Federal Energy Regulatory Commission.

Proposed law provides that no lease will be granted for alternative energy sources development on lands or public navigable waterways without prior written approval of an affected port; harbor and terminal district; or port, harbor and terminal district, and such approval of the lease will not be unreasonably withheld unless the lease will be detrimental to the needs of commerce and navigation.

Proposed law prohibits a port or district from receiving compensation for its approval.

Proposed law requires notice by certified mail to the lease applicant of the port or district's decision. Such notice shall include the decision and the applicant's right to request an administrative hearing before the division of administrative law within 60 days of the notice.

Proposed law provides that the port or district shall have the burden of proof at the administrative hearing that the lease is detrimental to commerce and navigation.

Proposed law provides that the port or district shall contract with the division of administrative law to conduct the hearing, and the administrative law judge may assess costs and attorney's fees to the losing party.

Proposed law authorizes the lease applicant or the port or district to petition the 19th JDC to review any final decision or order of the administrative law judge.

Effective August 15, 2010.
(Amends R.S. 30:124)

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